

5/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 396/2000

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. O.A. 396/2000 Pg. 1 to 2
2. Judgment/Order dtd. 21/11/2000 Pg. No report to order disposed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 396/2000 Pg. 1 to 21
5. E.P/M.P. NIL Pg. to
6. R.A/C.P. NIL Pg. to
7. W.S. NIL Pg. to
8. Rejoinder. Pg. to
9. Reply. Pg. to
10. Any other Papers. Pg. to
11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendement Reply by Respondents.
15. Amendement Reply filed by the Applicant.
16. Counter Reply.

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 396/00

... Sd. P. B. Nag ... Applicant.

Versus

Union of India & Ors ... Respondents.

For the Applicant(s) Mr. K. N. Choudhury,
" B. C. Das.

For the Respondents. Addl. Mr. B. S. Basumatary,
C. G. S. C.

NOTES OF THE REGISTRAR

DATE

ORDER

This application is in form
but not in time Condonation
Petition is filed not vide
N.P. No. ... C.F.
for Rs. 50/- ... vide
IPO/B No. 503922...
Dated 17/11/00

My
Dy. Registrar.

All requirements are
submitted alongwith
application.

by
20/11/00

AK Das
20/11/2011

21.11.00 Present : The Hon'ble Mr Justice
D.N. Chowdhury, Vice-
Chairman.

Heard Mr K.N. Choudhury, learned
counsel for the applicant and Mr
B.S. Basumatary, learned Addl. C.G.S.C.
for the respondents.

By order No. 16/2000 dated 19th
October, 2000 the applicant Sri P.B.
Nag working as Superintendent,
Customs Preventive Force, Dibrugarh
was ordered to be transferred from
Dibrugarh CPF to Dimapur Customs
Division alongwith others. Mr Chou-
dhury, learned Sr. counsel appearing
for the applicant fairly submitted
that the applicant is not against
the order of transfer, his only
grievance is as to the timing of the
order of transfer. Amongst others
it was pointed out that his elder
son is studying in Class-XI under
C.B.S.E Course and who is in the
mid academic session. For the inte-
rest of the career of his son the
applicant desires some more time
till the end of March 2001 for
joining in the new place of posting
Mr Basumatary, learned Addl. C.G.S.C.
on the other hand submitted that

contd..

21.11.00 for such matter the applicant is to move the appropriate authority and this Tribunal is not the proper forum. Considering all the aspects of the matter I am of the view that ends of justice will be met if a direction is issued to the applicant to file a fresh representation before the respondent No.2 to consider his representation to enable him and his family to be in Dibrugarh till 31.3.2001, and if such representation is made, the respondents shall take note of the same and pass a reasoned order as early as possible. The impugned order of transfer and posting of the applicant from Dibrugarh to Dimapur insofar as it relates to the applicant shall remain suspended till completion of the above exercise. The applicant shall file the aforementioned representation within two weeks from today.

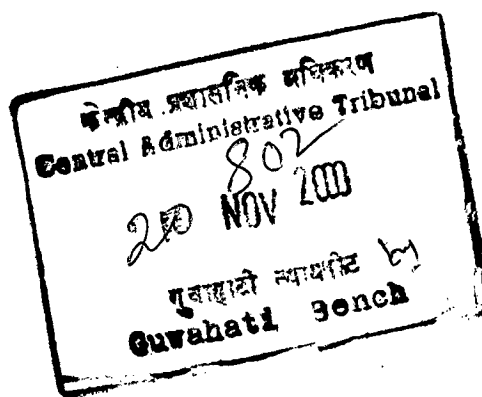
The application is accordingly disposed of. No order as to costs.


Vice-Chairman

21.11.2000.

Copy of the order
has been sent to
the D/Sec. for issuing
the same to the L/Adm
for the party.





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH : : : AT GUWAHATI

(An application under Section 19 of the Administra-
tive Tribunal Act, 1985)

TITLE OF THE CASE : ORIGINAL APPLICATION NO. 396/00

SRI PRANABENDU BIKASH NAG.

... APPLICANT

-VERSUS-

UNION OF INDIA & ORS.

...RESPONDENTS

I N D E X

Sl.No	Particulars	Page
1.	Application	- 1-11
2.	Verification	- 12
3.	Annexure-I	- 13-15
4.	Annexure-II	- 16-17
5.	Annexure-III	- 18-19
6.	Annexure-IV	- 20-21.
7.	Annexure-V	-
8.	Annexure-VI	-
9.	Annexure-VII	-
10.	Annexure-VIII	-
11.	Annexure-IX	-
12.	Annexure-X	-

FOR USE IN TRIBUNAL'S OFFICE

1. Date of filing :
2. Date of registration :
3. Registration No. :

REGISTRAR.

Pranabendu Bikash Nag.

Contd..... p/-

Filed by:
Binod Chandra Das
Advocate.
20.11.2000.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH AT GUWAHATI

ORIGINAL APPLICATION NO. 396 OF 2000

BETWEEN

Shri Prnabendu Bikash Nag
son of late Prafulla Chandra Nag,
Superintendent, Customs Preventive Force,
Dibrugarh.

--- APPLICANT.

-Versus-

1. Union of India
represented by the Secretry,
Finance Department, Govt of India,
New Delhi.
2. Commissioner of Customs, N.E. Region,
Shillong, Meghalaya.
3. Asstt Commissioner, Dimapur Customs Division
Circular Road, Dimapur, Nagaland.

--- RESPONDENTS.

DETAILS OF THE APPLICATION :

1. Particulars of the order against which the application is made :

This application is made against the Order No. 15/2000 dated 19.10.2000 issued by the Commissioner, Customs, N.E. Region, Shillong purporting to transfer the applicant from Dibrugarh Customs Preventive Force to Dimapur Customs Division as Superintendent(Technical).

Prnabendu Bikash Nag

Contd..... p/-

2. Jurisdiction :

The applicant declares that this Hon'ble Tribunal has got jurisdiction to adjudicate the matter in regard to which this application is made.

3. Limitation :

The applicant further declares that this application is well within the period of limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :

4.1 The applicant is a citizen of India and permanent resident of the State of Assam in Nagaon District. The applicant is presently working as Superintendent, Customs Preventive Force (CPF), Dibrugarh. The applicant is a Group "B" officer of the Central Government.

4.2 That the applicant states that the applicant was transferred from Aizawl Division to Dibrugarh CPF in April, 1998. Pursuant thereto the applicant joined at Dibrugarh CPF on 29.04.1998. Presently the applicant is serving at Dibrugarh CPF. It would thus appear that the applicant has completed only two years six months at Dibrugarh.

Ranabendu Bishnu Nag.

Contd..... p/-

In this connection it would be pertinent to state that as per the transfer policy/ guidelines issued by the Govt of India, Ministry of Finance, Department of Revenue vide O.M. dtd 30.06.94 the tenure posting of Group 'B' and 'C' officers at one station is 4 years.

A copy of the said transfer policy/ guide lines is annexed hereto and marked as ANNEXURE -I.

4.3 That the applicant is yet to complete the tenure posting of four years at Dibrugarh in terms of the transfer policy noted above. But while the matter rested at thus, the applicant was shocked and surprised to come across the impugned office order No.16/2000 dated 19.10.2000 by which the applicant has been purportedly transferred to Dimapur Customs Division as Superintendent (Technical).

A copy of the said impugned order dated 16.10.2000 is annexed hereto and marked as ANNEXURE-II.

4.4 That being aggrieved by the impugned order of transfer the applicant submitted a repre-

Pranabendu Biswas Nag . Contd..... p/-

sentation before the Respondent No.2 on 23.10.2000 through proper channel. In the representation the applicant specifically stated that prior to serving at Dibrugarh the applicant served in hard and remote areas such as Dimapur, Aizawl etc. As a matter of fact the applicant also served at Dimapur as Superintendent (Technical), a post in which the applicant is sought to be transferred again. Further, it has also been pointed out that the applicant is yet to complete his tenure in one station, inasmuch as, the applicant was transferred to Dibrugarh only on 29.04.98. It has also been specifically pointed out that if the transfer order is given effect to, the applicant's eldest son who is studying in Class-XI under C.B.S.C. course, who is in mid academic session, would be highly prejudiced. Therefore, the applicant prayed before the Respondent No.2 to at least allow him to stay at Dibrugarh upto the end of March, 2000 till the end of academic session of his eldest son. However, to the best of the knowledge of the applicant, the said representation is yet to be disposed of, at least the applicant has not been informed anything about the fate of his representation.

A copy of the said representation dated 23.10.2000 is annexed hereto and marked as ANNEXURE

-III.

Ramabendu Bikash Das, Contd..... p/-

4.5 That the applicant states that the action of the Respondent No.2 in purporting to transfer the petitioner from one station to another station before completion of tenure is highly arbitrary and unreasonable. Further, the impugned transfer order is also violative of the standing instruction/ circulars issued by the authority from time to time that transfer of a Government servant should not be resorted to in mid academic session as far as practicable. Atleast the authority must show the overriding public interest that would be achieved by the impugned transfer order. Apparently the decision is arbitrary one and therefore the same cannot withstand judicial scrutiny.

4.6 That although the impugned order of transfer was issued on 19.10.2000 the applicant is still working at Dibrugarh, inasmuch as, he has not been relieved from Dibrugarh. Moreover, the representation filed by the applicant is still pending for disposal and the authority has not communicated anything to the applicant with regard to the fate of his representation.

4.7 That the applicant states that the respondents while issuing the impugned order of

Anand Kumar Singh Nag.

Contd..... p/-

transfer violated the transfer policy/ guidelines formulated by the Department in the matter of transfer. As pointed out above, the applicant has been transferred before completion of his tenure as well as during mid academic session of his eldest son. As such the action on the part of the authority cannot be in the public interest. Atleast the authorities must justify the departure from the guidelines by producing relevant records. The records of the case would reveal that irrelevant considerations were taken note of by the authority.

4.8 That in a similar circumstance Shri D. N. Doley, Superintendent, Numaligarh CPF, whose name appears at Serial No. 8 of the impugned order, approach this Hon'ble Tribunal by way of filing J.A.No.378/2000. This Hon'ble Tribunal by order dated 07.11.2000 was pleased to pass order protecting his right and interest. As the applicant is similarly situated, he also prays for a similar order.

A copy of the said order dated 07.11.2000 is annexed hereto and marked as ANEXURE -IV.

4.9 That under the facts and circumstances stated above, it is respectfully submitted that

Sarabande Bixant Nag. Contd..... p/-

this Hon'ble Tribunal may be pleased to set aside the impugned order of transfer dated 19.10.2000 insofar as the applicant is concerned.

4.10 That this application has been filed bonafide and for the ends of justice.

5. Grounds for relief with legal provisions :

5.1 For that the applicant has acquired legal and valued right to complete his tenure posting of 4 years at the station i.e. Diburugarh CPF in view of the transfer policy issued by the Government of India vide O.M. dated 30.06.94. The same having been flouted, the impugned order of transfer is legally not sustainable.

5.2 For that the transfer order is also violative of the guidelines/ professed norms to the extent the applicant has been transferred during the mid academic session of his eldest son.

5.3 For that the applicant has been discriminated in the matter of transfer and posting in violation of the aforesaid transfer policy.

Parvabendu Bikanh Nag

Contd..... p/-

5.4 For that the action of the respondents in not disposing of the representation dated 23.10.2000 is also violative of the law laid down by the Apex Court. It is true that transfer orders can be issued in administrative exigency, but in affecting such transfer, the authority is bound to take note of the guidelines governing such transfers. Further, if any representation is filed, the same is to be disposed of having regard to the guidelines as well as hardship faced by the government servant. The same having not been done, the impugned order is legally not sustainable.

5.5 For that the authority has miserably failed to take note of the hardship that would be caused to the applicant and his eldest son if the applicant is transferred in the mid academic session. This relevant consideration which the authority has failed to take note of in the name of administrative exigency. The academic career of applicant's son cannot be jeopardised.

5.6 For that the respondents have violated the administrative fair play and has displayed abject arbitrariness in passing the impugned order of transfer.

Ranabendu Bihari Nayak.

Contd..... p/-

5.7 For that the Respondent No.2 has been actuated by malafide and irrelevant consideration in passing the impugned order of transfer.

6. Details of remedies exhausted :

The applicant begs to state that he has exhausted all remedies available to him and there is no other alternative remedy than to approach this Hon'ble Tribunal by way of filing this application. The fate of the representation dated 23.10.2000 is yet to be communicated to the applicant.

7. Matter not previously filed or pending before any other Court :

The applicant further begs to declare that he has not previously filed any writ petition, application or suit before any court or authority or any other Bench of the Hon'ble Tribunal regarding the grievance for which this application has been made nor they are pending before any one of them.

Parabendu Bishan Nag.

Contd..... p/-

8. Relief sought for :

Under the fact and circumstances, the applicant prays that the instant application be admitted, records be called for and after hearing the parties on cause or causes that may be shown and/or perusal of the records be further pleased to grant following reliefs :

8.1 To set aside and quash the impugned order No. 16/2000 dated 19.10.2000 issued by the Commissioner of Customs, N.E.Region, Shillong, the Respondent No.2 as far as the applicant is concerned.

8.2 To allow the applicant to complete his teunure posting at Dibrugarh Customs Preventive Force.

8.3 Cost of the application.

8.4 Any other relief /reliefs to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper.

Parabendu Bihari Nag

Contd..... p/-

✓

9. Interim order prayed for :

Pending disposal of this application, the applicant prays that the impugned order No. 16/2000 dated 19.10.2000 be suspended insofar as the applicant is concerned.

10. Application is filed through Advocate :

11. Particulars of IPO :

(i) I.P.O. No.	- 2G 503922
(ii) Date of issue	- 17.11.2000
(iii) issued from	- Guwahati.
(iv) Payable at	- Guwahati.

12. List of Annexures : As stated in Index.

Verification

Pravabendu Bishal Nag

Contd..... p/-

V E R I F I C A T I O N

I, Shri Pranabendu Bikash Nag, son of late Prafulla Chandra Nag, aged about 49 years, presently working as Superintendent, Customs Preventive Force, Dibrugarh, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 4.1, 4.5, 4.6, 4.7, 4.9 and 4.10 are true to my knowledge, those made in paragraphs 4.2, 4.3, 4.4 and 4.8 being matters of record are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Tribunal and I have not suppressed any material facts of the case.

And I sign this verification on this the 20th day of November, 2000 at Guwahati.

Pranabendu Bikash Nag
A P P L I C A N T

Contd..... p/-

F.No. A-35017/28/92-AD-III-B
 Government of India
 Ministry of Finance
 Department of Revenue
 Central Board of Excise & Customs.

New Delhi, the 30th June, 1994.

All Principal Collectors of
 Central Excise and Customs.

All Director Generals/Narcotics Commissioner.

All Heads of Departments under
 Central Board of Excise & Customs.

Subject: Transfer Guidelines regarding posting and
 transfers of Group 'B', 'C' and 'D' officers
 in the Attached & Subordinate offices under
 Central Board of Excise and Customs.

Sir,

1. F.No. A-22015/205/78-
 Ad-III-B dt. 1.11.78.

2. F.No. A-22015/21/89-
 Ad-III-B dt. 13.7.89.

3. F.No. A-35017/17/91-
 Ad-III-B dt. 24.1.92.

4. F.No. B-12014/4/92-
 Ad-III-B dt. 2.9.92.

In supersession of all previous instructions, as indicated in the margin the following instructions/guidelines are issued in consolidated form for regulating the transfers and deputation of Group 'B', 'C' and 'D' officers in the various attached and subordinate offices under the Central Board of Excise & Customs :-

I. Group 'B' and Group 'C' Officers:

(1) Period of stay at one station :

(a) Executive Officers :- The period of stay of an officer at one station should normally be 4 years. Transfer may be made earlier if administrative requirements or compassionate grounds, so necessitate.

(b) Ministerial Officers :- While Ministerial officers are also liable to transfer, like Executive officers, routine transfer of Ministerial officers from one station to another should be avoided. However, Ministerial officers are liable to be transferred from one charge to another at periodic intervals.

contd.....2/-

Attested to be
 true copy
 B.C. Pan
 Advocate

II. Group 'D' staff :- Group 'D' staff are also liable to be transferred any where within the Collectorate even though its jurisdiction extends to more than one State. However, frequent transfers of Group 'D' staff should be avoided.

III. Postings of husband-wife teams at the same station :-

Guidelines contained in Department of Personnel & Training's Office Memorandum No. 28034/7/86-Estt(A) dated 03.4.86 may be followed subject to administrative requirements/exigencies.

IV. The tenure at sensitive charges and requirement of "Cooling Off" period :-

(1) Officers posted in any of the following charges as mentioned below, on completion of his/her normal tenure, be posted to a formation/organisation/assignment other than those mentioned here below :-

(a) Airports,

(b) D.G.R.I.

(c) D.G.A.E.

(d) NCB/ED(FERA)/EIB ETC.

The officers so posted in any of the above said charges/organisation/assignments will be required to complete the "Cooling Off" period of not less than two years before being considered for re-posting to any of the above said charges.

V. (a) The power to relax the cooling off period etc.

The power to relax the "cooling off" period for an officer with reference to the charges mentioned in para IV shall be exercised by the Pr. Secy./Director General concerned, in consultation with the Head of the Department of the Officer in question.

(b) The decision to extend the normal tenure :-

The decision to extend the normal tenure etc. will be governed by the provisions of Personnel Rules and the DOP&T's guidelines on the tenure/deputation/executive instructions of the Board as the case may be.

contd. 1/-

Attested to be
true copy
B.L. Dm
Advocate

-15-

VI. Transfer of office bearers of the recognised Unions/Associations of Central Government Employees :-

In regard to the transfers of Office bearers of the recognised Unions/Associations the instructions contained in the Department of Personnel & Training's O.M. No. 27/3/69-Estt.(B) dated 8.4.1969 should be observed strictly read with future amendments, if any.

VII. Notwithstanding the instructions contained in paragraphs (I), (II), (III), the Heads of the Department will have full authority/power to transfer an officer on administrative/compassionate grounds.

The Heads of the Department will also be the deciding authority as to what would constitute difficult postings depending on the local conditions and will be fully authorised to fix --- tenure of posting of officers at those places, as deemed necessary for administrative requirements and exigencies of service.

VIII. General :-

- (i) General transfers should be effected at the end of the academic year and orders therefor should be issued sufficiently in advance. Orders issued otherwise should contain reasons on record.
 - (ii) Officers who are due to retire within two years or so, may not be transferred from their state/district or from the proximity of the station where they propose to settle down after retirement. Those who are posted away from such a station may, if they so request be brought to the proximity of that station within last one year or so of their service. All this will, however, be subject to administrative requirements.
 - (iii) For the purpose of transfer, the stay of an officer at a particular station should be computed with reference to the total period of his continuous stay at that station regardless of the different posts held by him there.
2. Above instructions may please be followed scrupulously.

Please acknowledge the receipt of this letter.

Yours faithfully,

(R. K. KOPRA)

JOINT SECRETARY

Central Board of Secondary Education

Copy to the Secretary, Government of India, New Delhi, for information.

Attested to be true copy
B. L. Jha
Advocate

COMMISSIONERATE OF CUSTOMS, NORTH EASTERN REGION, SHILLONG

ORDER NO. 16/2000

Dated the 19th October, 2000

Sub:- Transfer and postings in the grade of Superintendents of the Commissionerate of Customs, North Eastern Region, Shillong - Orders Regarding.

In view of the completion of tenure by the individual officers the following transfer and posting in the grade of Superintendents of Commissionerate of Customs, North Eastern Region, Shillong are hereby ordered with immediate effect and until further orders.

Sl.No.	Name of the officer	Place of posting	
		From	To
1.	Shri K. Ahmed	LCS Moreh Imphal Cus.Div.	Disposal Unit Aizawl Cus.Div.
2.	Shri A. Bhattacharjee	Audit/Disposal Cus.Hqrs.Shillong	Anti-Smuggling Unit Aizawl Cus.Div.
3.	Shri A.K. Saikia	Anti-Smuggling unit Aizawl Cus.Div.	Dibrugarh CPF Dimapur Cus.Div.
4.	Shri P.B. Nag	Dibrugarh CPF Dimapur Cus.Div.	Dimapur Cus.Tech. Dimapur Cus.Div.
5.	Shri Gopal Das	Dimapur Cus.Tech Dimapur Cus.Div.	Dimapur Cus.Prev. Dimapur Cus.Div.
6.	Shri A. Swamy	Dimapur Cus.Prev. Dimapur Cus.Div.	Moreh LCS Imphal Cus. Div.
7.	Shri K. Naag	Khazai CPF Aizawl Cus.Div.	Numaligarh CPF Dimapur Cus.Div.
8.	Shri D.N. Doley	Numaligarh CPF Dimapur Cus.Div.	Audit/Disposal Cus.Hqrs.Shillong.

Khazai CPF will be looked after by Shri T.T.K. Thang, Superintendent of Land Customs Station, Zowkathar until further order.

All the officers should be relieved within 31st October, 2000 positively.

(K.K. Das) 19.10.2000
Commissioner of Customs.

contd..p..2..

Attested to be
true copy
B.C. Dhan
Advocate

..2..


C.No. 11(3)9/ET/CC/Cell/SH/99/

3511-40

Dated the 20th October, 2000

Copy forwarded for information and necessary action to :-

1. The Commissioner of Central Excise, Shillong.
2. The Additional Commissioner(P&V)/(Tech), Customs and Central Excise, Shillong.
3. The Assistant Commissioner(P&I), Customs Hqrs. NER, Shillong.
4. The Deputy/Assistant Commissioner of Customs Division..... (all)
5. The CAO/PAO, Customs and Central Excise, Shillong.
6. The Administrative officer of Commissionerate of Customs, NER, Shillong.
7. The Sr. PA of Commissioner of Customs, NER, Shillong.
8. The Superintendent of Customs, NER, Shillong.....(all)
9. The Branch in-charge of ET.II & III/Accts I & II/CIU-VIG Branch of Customs and Central Excise, Shillong.
- ✓ 10. S/ShriP...B...Nag.....Superintendent for compliance.
11. The General Secretary Gr.'B' Executive Officers' Association, Customs and Central Excise, Shillong.
12. Guard File.


(K.K. Das) 19.10.2000
Commissioner of Customs.

Attested to be
true copy
B.C. Don
Advocate.

ANNEXURE - III

(Through Speed Post)

Date: 23/10/2000.

To
The Assistant Commissioner,
Customs Division,
Khermahal charali,
Circular Road,
P.O. Dimapur (Nagaland).

Sir,

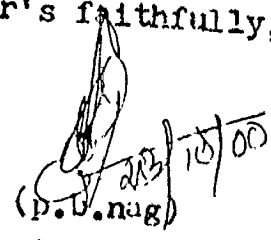
Sub:- Submission of representation against
transfer order no. 16/2000 dt. 20.10.2000
- representation in duplicate for onward
transmission.

I enclose herewith a representation in duplicate
for onward transmission to the Commissioner of Customs, N.E.R. Shillong
for his kind and sympathetic consideration. This representation is
against my transfer order issued under Estt. Order no.16/2000 dated,
20.10.2000 of the Commissioner, Customs, N.E.R., Shillong.

I would like to request you that I should not be
relieved till any decision given by the Commissioner, Customs, N.E.R.
Shillong on my aforesaid enclosed representation.

Encl:- Representation in duplicate.
(Total two sheets).

Your's faithfully,


(P.D. nag)

Superintendent, C.P.F.
Dibrugarh.

भारतीय डाक
TINSUKIA HQ (786125)
Inl-SP EE000001219IN
PA : 003
To: THE ASST COMM, CUSTOMS DIVN
DIMAPUR, PIN: 797112
From: SPI P B NAG, DIBRUGARH
M: 149999 Pre: 0.00
A: 45 00, 24/10/2000, 14:33:06

WAVE A NICE DAY

भारतीय डाक
TINSUKIA HQ (786125)
Inl-SP EE000001225IN
PA : 003
To: THE COMM, CUSTOMS, N E REGION
SHILLONG, PIN: 793001
From: SPI P B NAG, DIBRUGARH
M: 149999 Pre: 0.00
A: 45 00, 24/10/2000, 14:33:06

WAVE A NICE DAY

Attested to be
true copy
B L Don
Advocate

To

The Commissioner,
CUSTOMS, North Eastern Region,
M.C. Road (North Brook Road),
P.O., SHILLONG, (Meghalaya).

Date. 23/10/2000

Respected Sir,

(Through proper channel)

Sub:- Representation praying retention
against transfer order no.16/2000
dated, 20.10.2000.

Most respectfully I like to put the following facts
and circumstances before your honour for favour of kind infor-
mation and necessary consideration of my submission.

That Sir, During my tenure in Customs, I was already
there at DISAPUR as Superintendent(Tech), wherefrom went to CHAMPAL
and AIZAWL Divisional office and then came to DISRUGARH only on
29.04.98. It may be noted that, all along I was posted in the "hard-
ship" posting continuously before joining here.

That Sir, the recent transfer order dated, 20.10.2000
came as a sudden blow on me at this very moment because it is not
possible to change or interrupt in their education in the middle
of the academic session, which otherwise spoil the academic career
of my children and my future aspects.

That Sir, my aged bed-ridden mother needs my physical
presence at this moment at her side. God forbid; if anything happens
in my absence, there cannot be any excuse to me.

That Sir, I am a patient prone to Diabetic and Hyperten-
sion disease and is under close observation of the regular Doctor.

Therefore, it is my earnest prayer before your honour
to be kind enough to consider my above submissions of facts and
issue necessary order of retention at this present place of posting
till end of the academic session i.e. upto the end of March, 2000
and for this act of ~~arising~~ kindness, I shall remain thankful to you.
And, otherwise I may please be relieved from Customs to Central -
excise as I have already completed more than 4 (four) years there
in Customs.

Yours faithfully,

B. P. O. 23/10/00
Superintendent, C.F.F.
Disrugarh.

Attested to be
true copy
B. C. Das
Advocate

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. O.A. 378/2000 OF 1999

Applicant(s) - Shri Debendra Nath Doley

Respondent(s) Union of India & Ors.

Advocate for Applicant(s) Mr A.S.Choudhury,
Mr I.Hussain

Advocate for Respondent(s) Mr A.Deb Roy, Sr.C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
	7.11.00	<p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Heard Mr A.S.Choudhury, learned counsel for the applicant and Mr A.Deb Roy learned Sr.C.G.S.C for the respondents.</p> <p>By this application the applicant has assailed the order of his transfer from Numaligarh CPF to Customs Headquarter Shillong vide order dated 19.10.2000. By the aforesaid order 8 persons were transferred and posted. Mr Choudhury, learned counsel for the applicant has fairly submitted that the applicant is not challenging the competence or validity of the order of transfer but virtually this is an application for keeping in abeyance of the transfer and posting order of the applicant till 31.3.2001, so that the studies of his children are not affected, more particularly about his second son</p>

contd..



affected to be
his regy
B.C. San
Advocate

Notes of the Registry	Date	Order of the Tribunal
<p>1000 3/00</p> <p>XXXXXX</p> <p>60140,</p>	7.11.00	<p>who is going to appear in I.C.S.E final examination in March, 2001. The prayer seems to be reasonable. Mr Choudhury further submitted that his wife has already submitted an application to the Commissioner of Customs, N.E.Region, Shillong on 30.10.2000 but no order so far passed. Considering all the aspects of the matter, I am of the view that ends of justice will be met if a direction is issued to the respondents, more particularly to the respondent No.4, the Commissioner of Customs, North Eastern Region, Shillong to consider the representation dated 30.10.2000 to enable the applicant and his family to lead a normal family life. The applicant is also directed to submit a fresh representation narrating all the facts within two weeks from today and if such representation is filed within the aforesaid period, the respondents shall consider the same in conformity with the policy of the Government of India as expeditiously as possible and pass a reasoned order. The impugned order of transfer dated 19.10.2000 transferring and post the applicant from Dimaligarh to Shillong insofar as it relates to the applicant shall remain suspended till completion of the above exercise.</p> <p>The application is disposed of accordingly. No order as to costs.</p> <p>Sd/ VICECHAIRMAN</p>



Certified to be true Copy

प्रमाणित प्रतिलिपि

Section Officer (J)

अनुमान अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-8
गुवाहाटी न्यायाधीश, गुवाहाटी-8

Attested to be
true copy
B. C. Das
Advocate.